United Nations S/2010/125

Security Council

Distr.: General
9 March 2010
English
Original: French

Letter dated 5 March 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities reflecting its position on the recommendations contained in the tenth report of the Analytical Support and Sanctions Monitoring Team (S/2009/502).

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Thomas **Mayr-Harting**
Chairman
Security Council Committee
established pursuant to resolution 1267 (1999)
concerning Al-Qaida and the Taliban
and associated individuals and entities

10-26492 (E) 110310 150310

Please recycle

Recommendations contained in the tenth report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

[Original: English]

I. Introduction

1. After a thorough examination of the tenth report of the Analytical Support and Sanctions Monitoring Team (S/2009/502),[1] the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein.[2] In this connection it should be recalled that the Chairman of the Committee conveyed the report to the President of the Security Council on 28 September 2009.

2. The present report aims to draw attention to those recommendations made by the Monitoring Team that the Committee found to be of particular importance and relevance to its current and future work. The Committee welcomes the Monitoring Team's continued efforts to identify ways to improve the implementation and effectiveness of the sanctions measures, and it is of the opinion that all Member States should be made aware of, and take into account, the Monitoring Team's recommendations. The Committee also wishes to note that a number of the Monitoring Team's recommendations were of relevance to the Security Council itself, particularly during the period prior to the adoption of resolution 1904 (2009) on 17 December 2009.

II. The Consolidated List

3. **Entries with insufficient identifying information (para. 14)**. The Committee wishes to underscore the importance of having sufficient identifiers in entries on the Consolidated List to enable the effective implementation of sanctions measures. The Monitoring Team's recommendation that the Committee, upon completion of the review pursuant to paragraph 25 of resolution 1822 (2008) and with the help of the Team, compile an inventory of any inadequate entries on the List that remain and take further action with regard to those names, has been reflected in paragraph 31 of Security Council resolution 1904 (2009). In that paragraph, the Council requests the Monitoring Team to "circulate ... annually a list of individuals and entities ... whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and directs the Committee to review these listings to decide whether they remain appropriate".

---

[1] The report submitted to the Committee on 31 July 2009 in accordance with resolution 1822 (2008) was transmitted to the Security Council on 28 September 2009 and subsequently issued as a document of the Council.

[2] This is the eighth written report of the Committee to the Security Council on the reports of the Monitoring Team. Earlier reports of the Monitoring Team and reports on the Committee's position on the recommendations can be found on the Committee's website (www.un.org/sc/committees/1267/index.shtml).

4. **De-listing procedures (para. 17)**. The Committee agreed that in cases where a Committee member opposes a request for de-listing that has been supported by a designating State, the Committee member or members opposing the de-listing should make every effort to explain in the most detailed fashion the reasons for opposing the de-listing. This recommendation has been reflected in paragraph 25 of resolution 1904 (2009). In that paragraph the Committee is encouraged "to give due consideration to the opinions of designating State(s), and State(s) of residence, nationality or incorporation when considering de-listing requests", and Committee Members are called upon to "make every effort to provide their reasons for objecting to such de-listing requests".

5. **Deceased individuals (para. 19)**. In an effort to address the issue of individuals on the list who are known or believed to be dead, the Committee agreed to request the Monitoring Team, in cases where the Committee or the Team receives a report about the death of a listed individual, to collect all available information and establish the facts, in conjunction with the relevant States, and to relay its findings to the Committee. This recommendation has been reflected in paragraph 26 of resolution 1904 (2009). In that paragraph the Council "requests the Monitoring Team to circulate to the Committee every six months a list of individuals on the Consolidated List who are reportedly deceased, ... directs the Committee to review these listings to decide whether they remain appropriate, and encourages the Committee to remove listings of deceased individuals where credible information regarding death is available".

6. The Committee was also of the view that in cases where an individual is confirmed to be dead, and where it is established that the individual did not possess any assets or that no beneficiary of assets appears on the List, the Committee should proceed to de-list that individual (para. 19). This recommendation has been reflected in paragraph 23 of resolution 1904 (2009), in which States are encouraged "to submit de-listing requests for individuals that are officially confirmed to be dead, particularly where no assets are identified".

7. **Defunct entities (para. 21)**. In cases where listed entities cease to exist, the Committee generally supported the recommendation that the Committee should consider seeking a de-listing request from the relevant State(s) in respect of such entities, while ensuring that the assets of those entities are not controlled by or transferred to other listed individuals or entities. This recommendation has been reflected in paragraph 23 of resolution 1904 (2009), in which States are encouraged "to submit de-listing requests ... for entities that have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these ... entities have not been or will not be transferred or distributed to other entities or individuals on the Consolidated List". In this context the Committee would also like to draw attention to paragraph 24 of resolution 1904 (2009), in which Member States are encouraged, "when unfreezing the assets of a deceased individual or a defunct entity as a result of a de-listing, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes".

8. **Record of de-listed entries (para. 23)**. The Committee supported the recommendation to remove the record of de-listed names from the Committee's website, but the members underscored that the Secretariat should retain all relevant information about de-listed individuals and entities in its archives.

9. **Review of all listings pursuant to paragraph 26 of resolution 1822 (2008) (para. 24)**. The Committee agrees that its review of all names inscribed on the Consolidated List before 30 June 2008 has generated new information regarding listed individuals and entities, thereby improving the quality of the List. In this connection the Committee wishes to recall that, as part of its review of the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008), it seeks from the State(s) of citizenship or residence and designating State(s) information on the whereabouts of the party, its circumstances and activity. In order to promote further such improvements to the list, the Committee agreed that, when conducting the annual review pursuant to paragraph 26 of resolution 1822 (2008) and paragraph 32 of resolution 1904 (2009), it would also seek, where possible, information on any additional measures taken to prevent support for terrorism by listed individuals and entities.

10. **Entities with a listed address (para. 26)**. The Committee agreed that, when reviewing entities for which the entry on the Consolidated List contains an address, it would request the Monitoring Team to ascertain from the relevant State(s) whether the entity still functions, and if not whether it has any frozen assets. The Committee agreed to consider possible courses of action in response to such new information in the light of the future reviews of the Consolidated List.

11. **Narrative summaries of reasons for listing (para. 28)**. The Team's recommendation that the Committee make available on its website the narrative summary of reasons for listing at the same time a name is added to the Consolidated List has been fully reflected in paragraph 14 of resolution 1904 (2009).

12. **Improving quality of information on narrative summaries (para. 29)**. There was broad consensus in the Committee to seek additional relevant information regarding listed individuals and entities from a wider range of States. The Committee also recalls that it systematically seeks such additional information from States of citizenship and residence as part of its ongoing review of the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008), and it will bear this recommendation in mind when conducting the annual review called for in paragraph 32 of resolution 1904 (2009). In this connection the Committee would like to refer to paragraphs 15 and 16 of resolution 1904 (2009). In paragraph 15 the Council "encourages Member States and relevant international organizations to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it ... updates a narrative summary of reasons for listing". In paragraph 16 the Council "calls upon all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may ... provide additional material for the narrative summary of reasons for listing".

III. The assets freeze

13. Regarding the Monitoring Team's recommendation on the payment of ransom to listed entities (para. 60), the Committee would like to refer to paragraph 5 of resolution 1904 (2009), in which the Council confirmed that the requirements set out in paragraph 1 (a) of the same resolution also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Consolidated List.

IV. The travel ban

14. **The importance of the role of the private sector (paras. 72 and 73)**. The Monitoring Team expressed its view that the application of the travel ban could benefit from the involvement of the private sector, namely airlines, as has been the case with the assets freeze. In this connection, the Committee wishes to underline that the responsibility to prevent the unauthorized travel of a listed individual rests primarily with States. However, the Committee does see merit in inviting States to draw the attention of airlines to the existence of the list, and also asked the Monitoring Team to help raise awareness in this regard.

V. The arms embargo

15. **The scope of the arms embargo (para. 83)**. The Monitoring Team recommends making it explicit that the arms embargo extends to the provision of manpower and training to listed individuals and entities, and that the arms embargo enjoins States to prevent their nationals from receiving training from listed individuals and entities. In this context the Committee wishes to reiterate the importance of the full implementation of the arms embargo and will continue to make every effort to inform States of the full scope of this provision. The Committee would also like to encourage States to make use of the explanation of terms paper on the arms embargo which is posted on the website of the Committee (www.un.org/sc/committees/1267/usefulpapers).

16. **Enhanced cooperation with international organizations (para. 84)**. The Committee agreed to explore, on a case-by-case basis, enhanced cooperation with relevant international organizations in pursuance of its mandate and in order to promote and facilitate implementation of the Council's relevant measures.

VI. Monitoring Team activities

17. **Procedures of cooperation between the Security Council and the International Criminal Police Organization (INTERPOL) (para. 91)**. The Committee is pleased to note that in 2009 the exchange of information between the Monitoring Team and INTERPOL has led to improvements in the accuracy of the Consolidated List and in the value of INTERPOL-Security Council special notices. The Committee agrees that the time lag between the listing of an individual or entity and the issuance of the corresponding special notice should be reduced to the greatest extent possible. In this connection, the Committee has requested the Secretariat to develop, in consultation with INTERPOL, specific procedures for further cooperation under the framework set out in the October 2009 supplementary arrangement between the United Nations and INTERPOL in relation to Security Council sanctions committees, for the Committee's consideration.

VII. Member State reporting

18. **Reports pursuant to resolution 1455 (2003) (para. 93)**. The Committee agreed with the recommendation that the Committee focus on gathering the

outstanding reports pursuant to resolution 1455 (2003) that have not yet been submitted.

VIII. Conclusion

19. The Committee would like to thank the Monitoring Team for its tenth report and the valuable recommendations contained therein. The Committee would like to underline the special importance of these recommendations, many of which were incorporated in resolution 1904 (2009).